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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,473	08/14/2001	Horne L. Koh	149-0044US	6446
29855	7590	11/18/2004	EXAMINER TRAN, PHILIP B	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/928,473

**Applicant(s)**

KOH, HORNE L.

**Examiner**

Philip B Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/24/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>multiple IDS</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-36 are rejected under 35 U.S.C 102(b) as being anticipated by Biemans et al (Hereafter, Biemans), U.S. Pat. No. 5,197,011.

Regarding claim 1, Biemans teaches a method for fulfilling client tool service requests by utilizing a tool service layer, said method comprising the steps of receiving a tool service request from a client, identifying one or more tool service layer functions capable of being provided by said tool service layer, wherein said identified one or more tool service layer functions are required to fulfill said tool service request, and performing said identified one or more tool service layer functions, thereby fulfilling said client tool service request (i.e., manufacturing process with tool service layer functions to control and carry out service request) [see Figs. 1-3 and Abstract and Col. 1, Line 30 to Col. 2, Line 67].

Regarding claims 2-3, Biemans further teaches said tool service request may be fulfilled by one or more tool functions provided by one or more tools in conjunction with said one or more tool service layer functions, and wherein said tool service request

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does not reference said one or more tool functions and wherein said tool service request does not reference said one or more tool service layer functions. [see Figs. 2-3 and Col. 3, Line 59 to Col. 4, Line 48].

Regarding claim 4, Biemans further teaches identifying a workflow for executing an automation scenario [see Figs. 1-2].

Regarding claims 5-7, Biemans further teaches said tool service request may be fulfilled by one or more tool functions provided by one or more tools in conjunction with said one or more tool service layer functions, and wherein said step of identifying further comprises reviewing configuration information describing tool functions capable of being provided by said one or more tools and reviewing configuration information describing tool service layer functions capable of being provided by said tool service layer and reviewing configuration information describing workflow definitions [see Col. 22, Lines 20-49].

Regarding claim 8, Biemans further teaches said tool service request may be fulfilled by one or more tool functions provided by one or more tools in conjunction with said one or more tool service layer functions, and wherein said method further comprises the step of converting said client request into a format understandable by said one or more tools [see Col. 5, Lines 20-34 and Col. 23, Line 33 to Col. 24, Line 15].

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Claims 9-16 are rejected under the same rationale set forth above to claims 1-8, respectively.

Claims 17-24 are rejected under the same rationale set forth above to claims 1-8, respectively.

Claims 25-32 are rejected under the same rationale set forth above to claims 1-8, respectively.

Claim 33 is rejected under the same rationale set forth above to claim 1.

Claim 34 is rejected under the same rationale set forth above to claim 4.

Claim 35-36 are rejected under the same rationale set forth above to claims 6-7, respectively.

#### ***Other References Cited***

3. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Rangachari et al, U.S. Pat. No. 6,470,227.
- B) Cho et al, U.S. Pat. No. 6,728,588.
- C) King et al, U.S. Pat. No. 6,493,599.
- D) Smirnov et al, U.S. Pat. No. 6,546,364.
- E) Leymann et al, U.S. Pat. No. 6,009,405.
- F) Yaung, U.S. Pat Application Pub. No. US 2003/0023662 A1.
- G) Sanghvi et al, U.S. Pat. Application Pub. No. US 2002/0095524 A1.
- H) Yaun et al, U.S. Pat. Application Pub. No. US 2002/0138321 A1.

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4. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The fax phone number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Philip Tran*

Philip B. Tran

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November 10, 2004